

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, February 12, 2002
Tuesday, 9:03 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

Rev. Dan Harrison, 89th Region Support Command, U.S. Army, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved

The Minutes of the regular meeting of February 5, 2002, were approved 7 to 0.

AWARDS AND PRESENTATIONS

PROCLAMATION

Proclamation previously approved was presented.

PUBLIC AGENDA

Dennis Schoenbeck, YMCA and Chair of the Recreational Alliance – Alliance Activities.

Dennis Schoenbeck

Dennis Schoenbeck reviewed Alliance activities and said next year's plan involves 15 middle schools. The Plan will have supervised activities with the program available four-days per week. All activities are free of charge.

King David Davis – Tribute: City Council Chamber.

K.D. Davis

K.D. Davis gave a tribute to the City Council Chambers upgrade. Mr. Davis spoke of the hope for a spirit of cooperation, political equality, and ability for citizens to be heard.

Mayor Knight

Mayor Knight said Mr. Davis is requesting the most basic right. The City offers many venues for citizens to participate in the political process.

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NEW BUSINESS

TEEN CENTER

ECLIPSE TEEN CENTER.

Matt Jordan

City Manager's Office reviewed the Item.

Agenda Report No. 02-1049

The eclipse Teen Center, Inc., was created as a result of a partnership with Wichita's Promise, drug and alcohol prevention and treatment providers, USD 259, and other community agencies/groups to provide a safe environment for youth. The Center, located in the 500 block of West Douglas in Delano, was originally opened to serve high school age youth throughout Sedgwick County. The facility was used for recreation/education with a study room with computer/study lab available for school work. It was used regularly by organizations serving at-risk youth.

The Center's Board raised approximately \$300,000 for capital improvements to renovate the facility. The City contributed \$50,000 in 1999 to help fund start-up and operational costs. The Center has been unable to meet its goal to become financially self-sufficient through the entrance fees, concession sales, and rental income; the Center consistently generated \$55,000 per month, which equals one-half of its total operating costs. However, it was forced to cease operations in late 2001 when several anticipated grants were not renewed. As a result of a campaign to save the Center, additional funds have been raised to continue operations through May, 2003. Funding from the Kansas Health Foundation, Local Optimist Club, and private donations total approximately \$30,000. A request for funding has been submitted to Sedgwick County and the City of Wichita to sustain its operations.

Since the start of operations in May, 1999, the eclipse has had to rely on funding assistance from others to meet the financial obligations. The Center is again requesting funding assistance from the City to assist in supporting the operation of the facility; a grant of \$10,000 was approved in April, 2001. An amount of \$12,500 is being requested this year from the City (and the County) to match other grants and income generated from its operations to keep the Center open through May, 2003. The request contains an updated 2002-2003 Business Plan that calls for a focus on middle-school age youth and greater emphasis on generating income by renting the facility to other users during weekday and Sunday evenings when the Center is normally closed.

Teen Center, Inc. also has agreed to commit to organizing community service projects for youth to conduct activities, such as: collecting illegal signs placed in public right-of-way; cleaning up along the river, parks and green spaces and along selected roadways; and other projects designated by the City of Wichita. Youth will participate in several community projects throughout the year that will help continue the City's effort to involve citizens in the Don't Trash Wichita effort.

A stronger partnership with USD 259 to market the Center to middle-school students is expected to attract more youth. The Center was more successful at attracting this age segment than high school students but was forced to close before this concept could be fully instituted. The Board expects to reach financial self-sufficiency by May, 2003.

If approved, it is proposed to utilize funding from the special Liquor Tax fund to support the \$12,500 request.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --
-- carried

Fearey moved that the funding for the Eclipse Teen Center in an amount not to exceed \$12,500 be approved. Motion carried 7 to 0.

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(Addendum 4A)
ENERGY CRISES

FACTORS IN RECENT ENERGY CRISES AND THEIR IMPLICATIONS FOR KANSAS.

Mayor Knight

Mayor Knight said the current City Council, and previous Council's, have been engaged in a campaign to address fairness in electrical rates for citizen energy consumers in Wichita and the rest of the KGE service territory of Western Resources. This effort has been successful in reducing rate disparity that faces these ratepayers from almost 35% prior-to 1996 to less than 10 % today. This campaign has taken years and considerable financial resources.

The latest chapter of this story played out last summer when the Kansas Corporation Commission issued an order for a rate reduction in response to a rate increase that was filed by Western Resources. As the City's efforts have proceeded, the City watched the California energy crisis develop and now the City is watching the fall-out of the largest bankruptcy in United States history with the collapse of the energy giant, Enron.

These developments, along with a corporate reorganization that Western Resources has proposed, have caused concern with what the future might hold relative to Kansas and Western Resources. The future of Western Resources has the potential to affect not just Wichita, but all of the state of Kansas. The amount of electricity produced by this company equates to 69% of the total electrical energy consumption of our state.

To assist the City in trying to better understand how these other developments might impact the future, the City retained the consulting services of Mr. Robert Doty. Mr. Doty is an attorney and financial consultant and is President of American Governmental Financial Services. Mr. Doty is here to present a white paper he has authored that looks at these issues and their potential impact on Kansas.

Agenda Report No. 02-1071.

Last year, the City Manager established a Municipal Electric Utility Task Force to review energy issues. Reports resulting from the work of the task force have been given to the City Council during the past year on concerns for electrical rates and service in south-central Kansas. This Task Force consisted of citizens with expertise and interest in energy issues. On February 6, 2001, after the receipt and presentation of the Municipalization Feasibility Study, the City Council asked the City Manager to continue to work with the Task Force members and to make further recommendations, as appropriate. The Task Force members have met and proposed additional recommendations; the City Manager and Staff have conducted further reviews of available information and the evaluation of the recommendations.

Among the Task Force's informal recommendations was the expressed need for future energy planning. The Task Force member's were concerned with the lack of having no national, State, or regional agency (or known effort) that is taking a long-range and future view to ensure that appropriate energy resources are available to meet the needs of the citizen energy-consumers of Wichita and Kansas. Support was expressed that in the absence of energy planning that the City, acting in concert with other agencies/groups, take the lead in developing an appropriate strategy to ensure that this energy planning takes place.

The City of Wichita has been engaged preparing to negotiate a renewal of an electrical franchise and in an on-going effort to safeguard the future economic vitality of the region as it relates to securing a reliable source of affordable electric energy. The Task Force and City staff have continued to monitor economic and the legal development regarding this area of interest and, with the approval of the City Council, engaged the services of an outside legal and financial expert for assistance in this purpose. Mr. Robert W. Doty, President of American Governmental Financial Services - an attorney and a financial consultant whose practice has emphasized matters generally relating to energy utilities - was retained to provide this expertise to City Staff and Task Force members. As a result of Mr. Doty's efforts and involvement, a "White Paper" has been developed and includes to observations and recommendations on future energy planning.

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Kansas public officials and business leaders may appropriately make inquiry and analyze information regarding Kansas' energy future and, in particular, Western Resources, Inc., the largest electrical energy company in Kansas. A number of issues have been raised by critics of the company and others interested in the future energy needs of Kansas. The City of Wichita has a vital interest in these issues as a large consumer of electricity, as representatives for the citizen-consumers of the community, and through its grant of an electrical franchise that allows Western Resources (KG&E) to operate and use the City's public rights-of-way for the delivery of electrical energy to consumers.

Western Resources is important to Kansas as a supplier of a substantial proportion of the electricity sold within the State. The State of Kansas has a valid interest in preserving Western Resources as a viable, reliable, and reasonable cost supplier of electric energy. Unfortunately, according to the Kansas Corporation Commission (KCC), Kansas residential, commercial and industrial ratepayers already pay higher rates for electric energy than do consumers in surrounding States. (Likewise, Wichita consumers KG&E consumers pay more than area communities within Kansas served by KPL consumers). Kansas public policy would be appropriately directed at preventing further competitive disadvantages for the State of Kansas in the five-state area, and at remedying this inequity.

In different circumstances, such as the California and the Enron crises, political or business leaders ignored warning signs until devastating crises actually occurred, with resulting severe costs and disruptions. Now, they are conducting "after the fact" investigations. Yet, the damage already has occurred. Kansas' leaders may wish to consider questions now, in advance of any potential energy emergency, to avoid such an occurrence, and to attempt to work cooperatively and constructively with Western Resources toward a resolution of its current difficulties. In particular, Kansans may ask appropriately whether there should be a Kansas Statewide Energy Policy.

In addition to other options, municipalities across the State may also review the status of franchises and whether there is a need to address relevant concerns about service to the communities. When a community grants a franchise, it would be in that community's best interest to gain assurances as to the capabilities of franchisees to deliver reliable and cost-effective services. Wichita is uniquely positioned, with the approaching expiration of the twenty-year KG&E franchise (recently extended to December 2002), to take such action. Continued oversight may be appropriate to assess the electric utility's viability and performance during the term of any new franchise, and to seek an answer to whether or not Western Resources is going to survive as an effective utility without raising rates over the long-term of the ratepayers?

When there has been insufficient foresight elsewhere, the results are haunting ratepayers, taxpayers, and citizens who have a multitude of interests across the entire political spectrum. Whatever path is followed, it is imperative that Kansas' political officials and business leaders act with the best interests of Kansas ratepayers firmly in mind, and with appropriate actions to ensure the desired goals of energy reliability and reasonable costs.

The White Paper will be presented to the City Council by Mr. Robert Doty and will include the factors in recent energy crises and their implications for Kansas.

There are no financial considerations unless further action is directed by the City Council.

The Law Department will review any additional actions taken by the City.

Robert Doty

Robert Doty, attorney and financial consultant, and President of American Governmental Financial Services, reviewed the "White Paper."

"White Paper" Executive Summary

"This White Paper suggests that Kansas public officials and business leaders may appropriately make inquiry and analyze information regarding Kansas' energy future and, in particular, Western Resources, Inc.

"The following are some of the issues that have been raised by critics of the company:

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"Economic Viability and Reliability of Service--Western Resources' critics question the company's financial capacity for operational effectiveness in terms of providing service and maintaining facilities.

"Debt Levels and Debt-to-Equity Ratios--Western Resources' critics assert that the company has excessive debt loads, and that electric utility ratepayers may be required to pay increased rates to assist the company in discharging debt. Critics testified before the Kansas Corporation Commission ("KCC") that much of Western Resource's debt was incurred in connection with acquisition of non-regulated businesses.

"Potential Accounting charge and Implications for Equity -- Western Resources has stated that it may be required to write-off substantial intangible assets on its books. Such a write-off could lead to a loss of a substantial proportion of the equity reflected on the company's balance sheet.

"Split-Off Plan--Western Resources proposed a split-off (restructuring) plan rejected by the KCC as potentially leading to increased rates by shifting debt to the company's electric business and re-allocating equity to a non-regulated subsidiary.

"The company has proposed a new restructuring plan that is under analysis.

"Declining Earnings--Western Resources has experienced recent declining earnings, although it forecasts increased future earnings.

"EBITDA Reporting--The Securities and Exchange Commission, without focusing upon Western Resources or any other specific company, recently issued a caution about certain pro forma presentations of financial results of the nature used by Western Resources.

"Ratings--Western Resources' debt ratings have been reduced below investment grade.

"Stock Prices--Western Resources' common stock prices have fallen far below the highs of a few years ago.

"Senior Executive Compensation Packages--Despite poor financial performance of the company, senior management at Western Resources benefits from substantial compensation packages, in some cases in the millions of dollars annually. In addition, termination packages appear to be substantial. While the total costs may be reduced as certain senior management personnel leave, Western Resources critics may assert that the executive compensation costs remain high and termination packages discourage a viable takeover on terms benefiting ratepayers.

"Employee Cuts and Resignations--Western Resources has fired or otherwise terminated a substantial proportion of its work force. This action will reduce costs, but may also lead to loss of experienced personnel.

"Employment of Lobbyists--Western Resources has announced employment of several influential lobbyists in Topeka. One concern may be that the company is seeking to counter actions taken by the KCC in its role as a protector of Kansas ratepayers' interests.

"Failed Merger and Related Litigation--Almost a year after agreeing to a merger with Western Resources, Public Service Company of New Mexico recently declined to proceed. The two sides have filed litigation that is likely to be costly.

"Western Resources indicated that it will not seek out additional merger partners.

"Continued Non-regulated Business Expansion--Western Resources' non-regulated businesses have experienced overall losses. Yet, the company continues to acquire non-regulated businesses through its non-regulated Westar subsidiary.

"Merely because issues are raised by critics does not pre-suppose the answers. Nevertheless, serious questions are presented. Western Resources is important to Kansas as a supplier of a substantial

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proportion of the electricity sold within the State. Kansas has a valid interest in preserving Western Resources as a viable and reliable reasonable cost supplier of electric energy.

“Unfortunately, according to the KCC, Kansas residential, commercial and industrial ratepayers already pay higher rates for electric energy than do their surrounding neighbors in Nebraska, Oklahoma, Missouri and Colorado. Kansas public policy would be appropriately directed at preventing further competitive disadvantages for Kansas in the five-state area, and at remedying this inequity.

“In different circumstances, such as the California and Enron crises, political or business leaders ignored warning signs until devastating crises actually occurred, with resulting severe costs and disruptions. Now, they are conducting after the fact investigations. Yet, the damage already has occurred.

“Kansas' leaders may wish to consider questions now, in advance of any potential energy emergency, to avoid such an occurrence and to attempt to work cooperatively and constructively with Westar Resources toward a resolution of its current difficulties.

“In particular, Kansans may ask appropriately whether there should be a Kansas Statewide Energy Policy. In addition to other options, one approach may be "Franchise Alignment." In Franchise Alignment, public officials would review municipal franchises with Western Resources in the exercise of public responsibility. As franchises expire, varying municipalities across the State may coordinate alignment of short-term renewable extensions of franchises until the company is able to address relevant concerns.

“When there has been insufficient foresight elsewhere, this White Paper demonstrates that, at least in California, the results are haunting ratepayers, taxpayers, and citizens who have a multitude of interests across the entire political spectrum.

“Whatever path is followed, it is imperative that Kansas' political officials and business leaders act with the best interests of Kansas ratepayers firmly in mind and with their eyes on the goals of energy reliability and reasonable costs.”

Robert Doty

Robert Doty, responding to questions, said the City ought to be gathering information regarding the franchisee. The City should also gather witnesses (from both sides of the issue) and ask questions. After gathering the information, a decision can be made to lead the City. Granting the franchise gives implication that the grantee can provide service for the long-term.

The State regulatory agency needs to be completely independent. All communications need to be public. Questions posed should also be made public.

The State-wide energy plan process should involve people from around the State. It is important to find and begin developing facts from which to draw conclusions. Long-term supply issues and rate disparities need to be looked into. As public officials, it is appropriate to ask questions and reach conclusions.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Mayor Knight

Mayor Knight stated that the City of Wichita has been very aggressive over the last few years in seeking electrical rate reductions for the Wichita area and fair rates when compared with the rest of the State. In that endeavor, the City of Wichita has been active in proceedings before the Federal Energy Regulatory Commission and the Kansas Corporation Commission (KCC) and, as a result, this area has seen substantial reductions in electrical rates as well as the beginnings of an understanding at the KCC and elsewhere that rate parity must come.

What we have heard today in this “White Paper,” however, adds a new dimension to the concerns of Wichita and South Central Kansas. The issue is now one that the whole State of Kansas must address.

The issue facing us is not just rates. The issue is the viability of the electrical industry and the continued reliability of service. Can electrical consumers in Kansas continue to receive uninterrupted

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and reliable electric service, or is the specter of California a possibility here? Kansas appears to be lagging behind in the development of electrical resources to meet the needs of its citizens. This raises concerns of the ability of the electrical companies in Kansas (including Western Resources) to provide efficient, reliable, and affordable electricity that will meet the growing needs of this State.

Whatever disagreements we have had with the current management of the Company, it is clear that the future of Western Resources must be protected and nurtured. The concerns are not originating here in Wichita but are being raised on Wall Street and the State Capitol. There is a real risk that ratepayers and taxpayers may end up footing the bill if these concerns are not addressed.

In both the California crisis and in the Enron case, governmental leaders and business leaders alike ignored some very apparent warning signs until it was too late and devastating results were upon the citizens. We cannot sit back and let that happen to Kansas and to Western Resources.

"I have asked whether there is a State-wide energy policy that addresses these short-term and long-term issues'. There does not appear to be one. I think it is critical for Kansas' energy and economic development future to develop a State-wide policy. This "White Paper" and the concerns raised today can serve as a starting point."

The White Paper does not contain the answers but it raises some of the critical questions that need to be addressed immediately. The White Paper needs to be widely circulated to those having a vested interest in an energy policy. A Statewide summit should be convened involving Kansas government leaders, local officials, the business community, and the electrical industry.

This Statewide summit can begin the work on a State-wide Policy. When we look at California, and when we look at the on-going Enron debacle, we know that the need is there, and we know that we may not have much time.

Motion --

Knight moved that the White Paper be received and filed; copies of the White Paper be provided to local, regional and State officials, including agencies and organizations having an interest in energy policies; the Legislative leadership, the Kansas Corporation Commission, together with the Sedgwick County Legislative delegation, be notified of the report with appropriate actions; appropriate parties, agencies, and groups be convened at State-wide Electrical Energy Summit to address State and local concerns relative to the viability and reliability of electrical energy, and the need for a State-wide Energy Policy. Motion carried 7 to 0.

-- carried

QUARTERLY REP.

DECEMBER 2001 QUARTERLY REPORT AND YEAR-END BALANCES.

Mayor Knight

Mayor Knight said he had reviewed the Quarterly Report; and that with fiscal pressures and a nation in recession, the community remains in very strong financial condition.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- carried

Knight moved that the report be received and filed. Motion carried 7 to 0.

CITY COUNCIL AGENDA

APPOINTMENTS

BOARD APPOINTMENTS:

There were no appointments made.

Addendum Item

TRAVEL APPROVAL

APPROVAL OF TRAVEL EXPENSES FOR MAYOR KNIGHT TO ATTEND U. S. CONFERENCE OF MAYORS 2002 WINTER LEADERSHIP MEETING IN KEY WEST, FLORIDA, FEBRUARY 21-23, 2002.

Motion -- carried

Pisciotta moved that the expenditures be approved. Motion carried 7 to 0.

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CONSENT AGENDA

Knight moved that the Consent Agenda be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED FEBRUARY 11, 2002.

Bids were opened February 8, 2002, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

Carr between Lark and Stony Point to serve Unplatted Tracts in the NW 1/4 of Section 31, TWP27S, R1W - south of Kellogg, west of Maize Road. (472-83381 /765685/490796) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Kansas Paving Company - \$58,895.40

Pave Mead from Lincoln to Bayley, on the west side of the railroad tracks to serve Perry's Addition - south of Lincoln, west of Washington. (472-83317/765674/490785) Traffic to be maintained during construction using flagpersons and barricades. (District I)

Cornejo & Sons Construction - \$61,546.00

Lateral 479, Southwest Interceptor to serve Collins First Addition - at the northeast Intersection of Lark Lane and Carr. (468-83352/743897/480585) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Ditch Diggers - \$9,300.00

2002 Sanitary Sewer Rehabilitation, Phase B (Various Locations) -north of Kellogg, east of West Street. (468-83405/620334/662457) Traffic to be maintained during construction using flagpersons and barricades. (Districts II and IV)

Insituform Technologies - \$129,666.00

Lateral 313, Four Mile Creek Sewer to serve Equestrian Estates - south of Harry, east of 127th Street East. (468-83317/743896/480584) Does not affect existing traffic. (District II)

Nowak Construction - \$214,974.43

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Rental of Shop Uniforms. (130807)

Western Uniform - \$ 0.40 (Item 1/per each)
\$ 0.40 (Item 2/per each)
\$ 0.42 (Item 3/per pair)
\$ 0.64 (Item 4/per each)
\$ 0.64 (Item 5/per pair)
\$ 0.60 (Item 6/per each)
\$ 0.60 (Item 7/per pair)
\$ 0.40 (Item 8/per each)
\$ 0.40 (Item 9/per each)

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\$ 0.42 (Item 10/per pair)
\$12.00 (Item 11/per each)
\$12.00 (Item 12/per each)
\$14.00 (Item 13/per pair)
\$16.50 (Item 14/per each)
\$20.00 (Item 15/per each)
\$16.00 (Item 16/per each)
\$20.00 (Item 17/per pair)
\$12.00 (Item 18/per each)
\$12.00 (Item 19/per each)
\$14.00 (Item 20/per pair)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Exterior and Interior Paint.
(130849)

Porter Paints - \$ 9.99 (Item 1/per gallon)
\$10.95 (Item 2/per gallon)
\$12.50 (Item 3/per gallon)
\$ 3.95 (Item 4/per gallon)
\$ 9.75 (Item 5/per gallon)
\$11.95 (Item 6/per gallon)
\$12.49 (Item 7/per gallon)
\$ 5.75 (Item 8/per gallon)
\$ 7.25 (Item 9/per gallon)
\$11.99 (Item 10/per gallon)
\$ 9.95 (Item 11/per gallon)
\$ 9.75 (Item 12/per gallon)
\$ 9.49 (Item 13/per gallon)
\$ 9.49 (Item 14/per gallon)
\$13.59 (Item 15/per gallon)
\$ 7.59 (Item 16/per gallon)
\$ 7.59 (Item 17/per gallon)
\$12.88 (Item 18/per gallon)
\$ 2.20 (Item 19/per gallon)
\$ 7.96 (Item 20/per gallon)
\$ 9.30 (Item 21/per gallon)
\$12.88 (Item 22/per gallon)
\$ 8.23 (Item 23/per gallon)

PUBLIC WORKS DEPARTMENT/MAINTENANCE DIVISION: Wrought Iron Fence Installation.
(792361)

Aero Fence Company Inc. - \$23,580.00 (Total net bid)

WATER & SEWER DEPARTMENT/DISTRIBUTION DIVISION: Cold Water Meters. (188201)

Badger Meter Inc. - \$ 762.00 (Item 1/per each)
\$ 847.00 (Item 2/per each)
\$1,424.00 (Item 3/per each)
\$2,123.00 (Item 4/per each)
\$ 277.00 (Item 5/per each)

VARIOUS DEPARTMENTS/VARIOUS DIVISIONS: Lead Free Gasoline and Diesel #1 & #2.
(130849)

Parker Oil Co., Inc. -\$.0695 (Item 1/per gallons)
\$.0695 (Item 2/per gallons)
\$.0695 (Item 3/per gallons)

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PARK & RECREATION DEPARTMENT/GOLF COURSE MAINTENANCE DIVISION: Fertilizers, Herbicides, Insecticides and Fungicides. (210200)

Van Diest Supply - \$ 730.05 (Group 1/total net bid)
Vegetation Management Supply - \$660.00 (Group 2/total net bid)
Estes Inc. - \$1,170.00 (Group 3/total net bid)
Van Diest Supply - \$505.08 (Group 4/total net bid)
BWI Springfield - \$657.64 (Group 5/total net bid)
Lesco Inc. - \$315.40 (Group 6/total net bid)
Estes Inc. - \$18,801.00 (Group 7/total net bid)
BWI Springfield - \$405.18 (Group 8/total net bid)
United Horticulture - \$30,720.00 (Group 9/total net bid)
Van Diest Supply - \$3,357.20 (Group 10/total net bid)
Garden Wise - \$10,918.60 (Group 11/total net bid)
 \$ 1,729.00 (Group 12/total net bid)
 \$ 2,945.00 (Group 13/total net bid)
 \$ 464.80 (Group 14/total net bid)
United Horticulture - \$500.00 (Group 15/total net bid)
BWI Springfield - \$2,698.00 (Group 16/total net bid)
Outdoor Equipment Co. - \$5,814.00 (Group 17/total net bid)
Van Diest Supply - \$3,536.40 (Group 18/total net bid)
 \$2,272.50 (Group 19/total net bid)
 \$4,357.60 (Group 20/total net bid)
United Horticulture - \$136.00* (Group 21/total net bid)
 *Tie bid broken by coin toss
BWI Springfield - \$ 609.20 (Group 22/total net bid)
 \$ 233.20 (Group 23/total net bid)
 \$6,397.20 (Group 24/total net bid)
 \$2,643.20 (Group 25/total net bid)
Van Diest Supply - \$4,564.56 (Group 26/total net bid)
 \$4,978.50 (Group 27/total net bid)
 \$1,035.72 (Group 28/total net bid)
United Horticulture - \$1,044.00 (Group 29/total net bid)
Outdoor Equipment - \$2,925.00 (Group 30/total net bid)
United Horticulture - \$ 864.00 (Group 31/total net bid)
 \$1,146.25 (Group 32/total net bid)
BWI Springfield - \$1,416.60 (Group 33/total net bid)
United Horticulture - \$175.00 (Group 34/total net bid)
Lesco Inc. - \$3,936.00* (Group 35/total net bid)
 *Tie/winner by draw
Van Diest Supply - \$7,562.40 (Group 36/total net bid)
United Horticulture - \$1,813.00 (Group 37/total net bid)
Estes Inc. - \$1,958.00 (Group 38/total net bid)
BWI Springfield - \$2,304.00 (Group 39/total net bid)

WATER & SEWER DEPARTMENT/WATER DISTRIBUTION DIVISION: Electronic Reading Transmitter, Datapac, Water Meter. (183103)

Mountain States Pipe & Supply Co. Inc. - \$96.00* (Per unit cost)
*Approve unit cost for Contract through October 31, 2002.
Estimated quantity of 1800.

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

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LICENSES

APPLICATION FOR LICENSES FOR ADULT ENTERTAINMENT ESTABLISHMENTS /SERVICES:

New Adult Entertainment

Robert Floyd	Kellogg Gift Shop Inc. dba Priscilla's	6143 West Kellogg Drive
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New Escort Service

Tekoa Callaway	Private Escapes	3601 West Harry
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Motion --
-- carried

Knight moved that the License Applications be approved subject to Staff review and approval. Motion carried 7 to 0.

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2002</u>	<u>(Consumption on Premises)</u>
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Ricky O. Morey	Morey's Deli-Keno*	3316 South Broadway
Ruben Acosta	Ruben and Anita's Tacos*	835 East First
Ann Truong	Pho 99*	1015 North Broadway

<u>New Establishment</u>	<u>2002</u>	<u>(Consumption off Premises)</u>
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Jay D. Brichacck	On the Road, Inc.	550 North Webb Road
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<u>New Operator</u>	<u>2002</u>	<u>(Consumption on Premises)</u>
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Arounh Sengfeevong	Bangkok Thai Restaurant*	2020 South Rock Road #50
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*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion --
-- carried

Knight moved that the License Applications be approved subject to Staff review and approval. Motion carried 7 to 0.

PLANS AND SPECS.

SUBDIVISION PLANS AND SPECIFICATIONS.

There were no plans and specifications submitted.

PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a) 2002 wheelchair ramp and sidewalk - Phase 2 - north of Kellogg, east of Seneca. (472-83437/706828/202294) Traffic to be maintained during construction using flagpersons and barricades. (Districts I and VI) - \$200,000
- b) 2001 sanitary sewer reconstruction Phase 7 - north of Central at I-135. (468-83338/620326/661450) Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$142,600
- c) 2002 Planeview Sanitary Sewer Reconstruction Phase 4 to serve Planeview Addition - north of 31st Street South, east of Hillside. (468-83366/622236 /641344) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$400,000

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- d) 24-inch sanitary sewer relocation at the MTA Facility - west of McLean Boulevard, south of Harry. (468-83367/633739/751202) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$170,045
- e) Lateral 326, Four Mile Creek Sewer to serve Pine Meadow Second Addition - east of Greenwich, south of 13th Street North. (468-83373/743900/480588) Does not affect existing traffic. (District V) - \$163,000
- f) Water distribution system to serve Pine Meadow & Pine Meadow Second Addition - east of Greenwich, south of 13th Street North. (448-89641/735037/470707) Does not affect existing traffic. (District II) - \$51,000
- g) Water distribution system to serve Pine Meadow Second Addition - east of Greenwich, south of 13th Street North. (448-89642/735038/470708) Does not affect existing traffic. (District II) - \$102,000
- h) Storm Water Sewer 539 to serve Wilson Farms Second Addition - south of 21st Street North, west of Webb. (468-83124/751304/485195) Does not affect existing traffic. (District II) - \$70,300
- i) Lateral 80, Main 22, War Industry Sewer to serve Wilson Farms Second Addition - south of 21st Street North, west of Webb. (468-83076/743891/480579) Does not affect existing traffic. (District II) - \$55,200
- j) Lateral 81, Main 22, War Industry Sewer to serve Wilson Farms Second Addition (south of 21st Street North, west of Webb) (468-83123/743892/480580) Does not affect existing traffic. (District II) - \$65,400
- k) Lateral 23, Cowskin Interceptor Sewer to serve Highland Spring Second Addition - south of Central, west of 135th Street West. (468-83028/743902/480590) Does not affect existing traffic. (District V) - \$170,000
- l) Lateral 481, Southwest Interceptor Sewer to serve Legacy Addition - west of Meridian, north of 47th Street South. (468-83350/743899/480587) Does not affect existing traffic. (District IV) - \$77,000
- m) Water distribution system to serve Legacy Addition - west of Meridian, north of 47th Street South) (448-89630/735034/470704) Does not affect existing traffic. (District IV) - \$52,000
- n) 2001 contract maintenance bridge deck resurfacing of the west-bound Lanes on the Central Street Bridge over the Big Ditch - east of Ridge Road on Central (472-83470/132712/) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$175,000.00
- o) 2002 contract maintenance ultrathin asphalt overlay - north of 31st Street South, east of Seneca. (472-83471/132712/620333/662456) Traffic to be maintained during construction using flagpersons and barricades. (District I, III, IV and VI) - \$214,200.00
- p) 2002 contract maintenance heater scarification and overlay - north of 47th Street South, east of Broadway (472-83472/132712/620333/662456) Traffic to be maintained during construction using flagpersons and barricades. (District I, III & VI) - \$337,400.00
- q) 2002 sanitary sewer rehabilitation, Phase A (various locations) (east of Hoover, north of Harry) (468-88378/620331/662454) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, III, V, and VI) - \$242,000.00
- r) 2002 Sanitary Sewer Reconstruction Phase 1 (Various Locations) - north of Pawnee, east of Hydraulic) (468-83379/620332/662455) Traffic to be maintained during construction using flagpersons and barricades. (Districts II, III) - \$203,000.00

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- s) Lateral 140, Main 4, Sanitary Sewer #23 to serve Timmermeyer Gardens Addition (east of Hood, north of 31st Street North) (468-83267/743874/480562) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$19,440.00
- t) Lateral 41, Main 21, Sanitary Sewer 22 to serve Womer Plaza Addition, Cherokee Sunrise West, etc. - west of Womer, north of 33rd Street North. (468-83362/743904/480592) Does not affect existing traffic. (District VI) - \$129,000.00
- u) Lateral 300, Four Mile Creek Sewer to serve Cedar View Second Addition - east of Greenwich, north of Lincoln. (468-83222/743901/480589) Does not affect existing traffic (District II) - \$72,500.00
- v) Storm Water Sewer 547 to serve Cedar View Second Addition - east of Greenwich, north of Lincoln. (468-83194/751307/485198) Does not affect existing traffic. (District II) - \$157,000.00
- w) Water distribution system to serve Cedar View Second Addition - east of Greenwich, north of Lincoln. (448-89527/735035/470705) Does not affect existing traffic. (District II) - \$64,000.00
- x) Water distribution system to serve Equestrian Estates - south of Harry, east of 127th Street East. (448-89613/735032/470702) Does not affect existing traffic. (District II) - \$240,000.00
- y) Water distribution system to serve Highland Spring Second Addition - south of Central, west of 135th Street West. (448-89427/735039/470709) Does not affect existing traffic. (District V) - \$131,000.00

Motion -- carried

Knight moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

DEEDS/EASEMENTS **DEEDS AND EASEMENTS:**

- a) Cross Lot Drainage Agreement – by Antioch Christian Church, 3711 West 15th Street North, across property onto Sycamore Park from the Southeast Corner of the Church Parking Lot.
- b) Utility Easement dated January 15, 2002 from Triple J. Development, L.L.C., a Kansas Limited Liability Company for a tract of land in Lots 31 and 32, Block A, Reece Farms Estates, and Addition to Wichita, Sedgwick County, Kansas (Reece Farms, OCA #743908). No cost to City.
- c) Access Agreement dated January 29, 2002 from YMCA of Wichita for a tract of land in Lot 4, Block 1, YMCA South Addition, an addition to Wichita, Sedgwick County, Kansas (OCA #792309). No cost to City.

Motion --
-- carried

Knight moved that the documents be received and filed; and the necessary signatures be authorized
Motion carried 7 to 0.

STREET CLOSURES **CONSIDERATION OF STREET CLOSURES/USES.**

There were no street closures submitted.

ENG. SERVICES **29TH STREET NORTH, TYLER TO MAIZE – SUPPLEMENTAL AGREEMENT.** (District V)

Agenda Report No. 02-1051

On January 4, 2000, the City entered into an Agreement with Professional Engineering Consultants, P.A. (PEC) for designing a waterline in 29th Street North from Tyler to Maize and Maize Road south of 29th Street. The fee was \$21,900.

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A separate easement was acquired to avoid future widening, requiring additional survey information and design by PEC. A Supplemental Agreement has been prepared.

Payment will be on a lump sum basis of \$2,500 and will be paid by Water Utility Funds.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

ENG. SERVICES

INTERSECTION OF CENTRAL AND HILLSIDE – SUPPLEMENTAL AGREEMENT. (Districts I and II)

Agenda Report No. 02-1051

On January 12, 1999, the City entered into an Agreement with MKEC Engineering Consultants, Inc. (MKEC) for designing improvements to the intersection of Central and Hillside. The fee was \$55,500. On March 28, 2000, the City Council approved Supplemental Agreement No. 1, which required MKEC to reconstruct the sanitary sewer in Central and Hillside. The fee was \$3,000.

To facilitate the new development on the south side of Central, MKEC has been asked to extend Central eastward to Rutan, widen Rutan south of Central to provide one southbound lane and two northbound lanes, and add traffic control conduit at the intersection of Central and Rutan and pedestrian crossing signal on Central between Hillside and Rutan. Supplemental Agreement No. 2 has been prepared.

Payment will be on a lump sum basis of \$24,900 and will be paid by General Obligation Bonds.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

SANITARY SEWER

NORTH AREA SANITARY SEWER SERVICE PLAN.

Agenda Report No. 02-1052

On October 15, 2001, Requests for Proposals (RFPs) for the North Area Sanitary Sewer Service Plan were received. The service plan consists of a study to determine the appropriate and most cost-effective means for providing sanitary sewer service. The North Area, for study purposes, is defined as the area roughly bound by Meridian Avenue on the west, Arkansas Avenue on the east, 61st Street North, and 37th Street North.

The Staff Screening and Selection Committee met on October 19, 2001, and selected Wilson & Company to perform the study. Wilson and Company will make the recommendations for the engineering services to provide sewer service to the North Area.

Mains for Future Development (CIP #S-5) has a budget of \$60,000 for the project. The Agreement with Wilson and Co. is in the amount of \$54,589 and will be funded from Revenues and Reserves and/or a future bond issue.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

FRANCHISE NEG.

PROFESSIONAL SERVICES – ELECTRICAL FRANCHISE NEGOTIATIONS.

Agenda Report No. 02-1053

On January 15, 2002, the City Council approved the extension of the current electrical franchise with Kansas Gas and Electric Company (KGE) until December 1, 2002. The City has entered into

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negotiations for the terms of a new franchise and retained professional services to assist in this process. A new contract is needed to continue to use these services.

This Agreement authorizes the City to use the professional services of Georgia N. Crump of Lloyd, Gosselink, Blevins, Rochelle, Baldwin & Townsend, P.C., for advice and assistance in electrical franchise drafting and negotiations.

The services included in this Agreement are for a not-to-exceed sum of \$100,000. Payment for these services are available within the General Fund, Non-Departmental account for Research and Development.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

MGMT. PARTNERS

PROFESSIONAL SERVICES – MANAGEMENT PARTNERS, INC.

Agenda Report No. 02-1054

One of the major goals of the 2002-2003 budget is to sustain the continued development of the City along with a continuing commitment to improve municipal operations and services. Various areas are being studied for ways to reduce costs, provide convenient access, streamline services and to improve overall departmental service delivery. To assist Staff and City departments, the City has utilized from time-to-time the expertise of Management Partners, Inc. This firm is familiar with the City and Sedgwick County operations, and has worked with the City staff to evaluate various options, address work-related operational problems (i.e. municipal court, warrant services), review alternative service delivery systems (probation), implement quality management techniques (Central Inspection), and assist with transformation reviews (airport). It is proposed that this contract be renewed to continue the retainer services on an as-needed basis. This firm also does work for the County.

This year, City Staff is continuing to examine its business practices and look for ways to improve services and operations. Some of the areas where professional assistance is needed includes: follow-up work related to customer service and business practices in various departments, environmental health organization and development issues, work processes and consistency programs for inspections, development assistance standards, and fee structures. Based upon this firm's knowledge of City operations and its excellent work product in the past, Staff is recommending a follow-on contract with this firm to assist with some of the above stated studies and tasks.

The proposed contract with Management Partners, Inc. will not exceed \$75,000. Funds are available in the General Fund appropriated reserves. Wherever appropriate, however, charges for services for an individual department may be assessed to that departmental budget.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

GIGA INFORMATION GIGA INFORMATION GROUP RESEARCH ASSISTANCE SERVICES.

Agenda Report No. 02-1055

Information Technology is changing at an unprecedented pace. Knowledge of current technology development is necessary to guide the IT-related strategic direction of the City. When a new information (software) system is needed, determining which software vendors offer the best price/performance and are sound long-term investments is critical to the operational and financial considerations of these systems. It is difficult to achieve the levels of knowledge required for these two considerations without using the services of experts. Research groups consist of industry leading Analysts who continuously evaluate new technologies and vendors. These companies offer subscription services whereby a client can interact with these Analysts via various information

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channels, including proprietary documentation, interactive web-casts, and direct question/answer sessions.

There are several organizations that offer such services. IT/IS has evaluated their offerings in terms of quality and pricing, and has determined that the subscription services available from Giga Information Group are the best price/performance available.

There are funds available for this service in the 2002 budget. The cost for this service for one year is \$16,200 if purchased under State of Kansas contract number 03372.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

DESIGN SERVICES

HIGHLAND SPRINGS SECOND ADDITION – WEST OF 135TH STREET WEST, SOUTH OF CENTRAL. (District V)

Agenda Report No. 02-1056

The City Council approved the project on September 28, 1999.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in Highland Springs 2nd Addition. Per Administrative Regulation 7a, staff recommends the selection of Baughman because Baughman provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$45,400, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

DESIGN SERVICES

AGREEMENT FOR DESIGN SERVICES, PINE MEADOW, PINE MEADOW SECOND, AND THE GATEWAY CENTER ADDITIONS – EAST OF GREENWICH, SOUTH OF 13TH STREET. (District II)

Agenda Report No. 02-1057

The City Council approved the project on January 8, 2002.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond financed improvements in Pine Meadow, Pine Meadow 2nd and The Gateway Center Additions. Per Administrative Regulation 7a, staff recommends the selection of MKEC because MKEC provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$87,830, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

DESIGN SERVICES

AGREEMENT FOR DESIGN SERVICES FOR CEDAR VIEW ADDITION – NORTH OF LINCOLN, EAST OF GREENWICH. (District II)

Agenda Report No. 02-1058

The City Council approved the project on December 12, 2001.

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The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond financed improvements in Cedar View Addition. Per Administrative Regulation 7a, staff recommends the selection of MKEC because MKEC provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$23,480, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

HOUSE OF SCHWAN INDUSTRIAL REVENUE BOND PURCHASE OPTION – HOUSE OF SCHWAN, INC. (District II)

Agenda Report No. 02-1059

On October 21, 1997 the Wichita City Council approved the issuance of \$970,000 in Industrial Revenue Bonds, Series XII, 1997. Bond proceeds were used to refund and redeem certain outstanding Industrial Revenue bonds previously issued to acquire, construct and improve and equip certain facilities located in the City of Wichita. The Bonds are secured, in part, by a Lease Agreement with House of Schwan, Inc. ("Tenant"). The Tenant has expressed its interest to exercise option to purchase the property.

Analysis: Under the provisions of Section 17.1 and 17.2 of the Lease Agreement for the bond series, the Tenant has the option, if all outstanding bonds and Trustee Fees have been paid to purchase the facility from the City of Wichita for the sum of \$1000. The City received notice from INTRUST Bank, Trustee for the bond issue that the bonds were paid in full as of October 1, 2001. The City has received a payment of the \$1000 representing the purchase price for the facility.

The purchase price is \$1,000 and other considerations as listed under the provision of the Lease Agreement to redeem and retire all outstanding bonds. This price includes without limitations, principal, interest, redemption premium, and all other expenses of redemption, and trustee fees, but after the deduction of any amounts described and provided for in the Lease Agreement and available for such redemption.

The City is contractually bound to convey the IRB Project property to the Tenant by special warranty deed, once all the conditions established in the Lease have been met.

Motion --
-- carried

Knight moved that the Resolution approving the Special Warranty Deed, Bill of Sale, and Termination of Lease Agreement be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. 02-107

A Resolution authorizing the City of Wichita, Kansas, to convey certain real property to House of Schwan, Inc. and prescribing the form of and authorizing the execution and delivery of certain documents in connection therewith, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

CASE MANAGEMENT REQUEST FOR PROPOSAL FOR CASE MANAGEMENT SERVICES.

Agenda Report No. 02-1060

On August 28, 2001, the City issued a competitive Request for Proposal (RFP) for funding alcohol and substance prevention and treatment programs. The Special Liquor Tax Coalition met to review the proposals and to make recommendations to the City Council. Those recommendations were presented to the City Council on November 6, 2001, and the City Council approved funding for ten (10) alcohol prevention and treatment programs. The Council also authorized a Request for Proposal (RFP) for detoxification services and a provider was approved by the City Council on December 18, 2001. Funding for all services was \$923,570.

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The Special Liquor Tax Coalition has been meeting over the past year to discuss its recommended Case Management Program. The Coalition has recognized the need to "track clients" after they receive treatment services to ensure those clients and their family members receive the necessary programs and services to successfully reintegrate into society. City-funded treatment programs concentrate efforts (and outcome-based measurements) on addressing changes made in the person's life while they are in a treatment program. Due to staffing shortages, funding deficiencies, and lack of technology, agencies do not have the resources to track clients after they leave their respective treatment program. As a result, some clients may relapse and many re-enter the same or another treatment program.

The RFP would seek a firm to develop a tracking and case management system for clients who complete treatment programs funded by the City of Wichita Special Liquor Tax funds and who are referred to case management services. The Special Liquor Tax Fund has allocations available to support the development of a Case Management Program to provide the City-funded treatment providers. It is anticipated that the project could be implemented over a three-year period of time to allow the selected firm to successfully track clients and measure their ability to change lifestyles. The Case Management Program will also allow the City to determine if the programs provided by the treatment providers successfully change behavior. The selected firm will be expected to acquaint themselves with clients before they leave the treatment program to assess individual client needs. A specific case management program, with measurable goals and objectives, will be developed for each client. The firm will be expected to have the resources to adequately assess and improve the well-being of the client with respect to family relationships, employment, sufficiency of income, transportation needs, job training needs, counseling and support services, violations with the law and other conditions in the environment that increase an individual's capacity to function in society free from alcohol and other drug abuse. The firm will also be expected to develop a working relationship with other agencies in the community that may be providing case management services to this same client to eliminate a duplication of efforts.

The City has available funding to support this Special Liquor Tax Fund Case Management Program.

The Law Department will approve a contract as to form.

Motion -- carried

Knight moved that Staff be authorized to solicit proposals. Motion carried 7 to 0.

CSBG

2002 COMMUNITY SERVICES BLOCK GRANT APPLICATION.

Agenda Report No. 02-1061

The Community Services Block Grant (CSBG) is administered by the U.S. Department of Health and Human Services and the State Department of Commerce and Housing. Funds are awarded by formula to Community Action Programs (CAPs) throughout the state. The City of Wichita has been a CAP and received CSBG funds since the mid-1970's. The Career Development Division of the General Government Department administers the CSBG program.

An annual application is required for receipt of the CSBG funds. Activities in the application include clean up in low-income neighborhoods, summer recreation, health services through Project Access, and payment of a portion of overhead costs for the four mini-City Halls. Attached is a list of CSBG Fiscal Year 2002 activities as contained in the application.

The City of Wichita's CSBG allocation for Fiscal Year 2002 is \$1,066,870. No general operating funds from the City's budget are obligated by the application.

The CSBG Review Committee has approved the 2002 application.

Motion --
-- carried

Knight moved that the 2002 application be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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BUDGET

EMERGENCY HOME REPAIR LOAN AND GRANT PROGRAM.

Agenda Report No. 02-1062

In May 2001, the City Council authorized the CDBG-funded Emergency Home Repair Loan and Grant and Rental Housing Low Interest Revolving Loan Multi Unit Programs. Both programs are operated by the Housing Services Department. The Emergency Home Repair Loan and Grant Program provides emergency repair loans to owner occupied households and the Rental Housing Low Interest Revolving Loan provides rehabilitation loans for investment property within Local Investment Areas. Both programs receive new funding yearly to process new loans.

Recently, the Housing Services Department undertook a major marketing campaign for all housing products during the Heart of Wichita campaign. The Heart of Wichita marketing campaign produced an over-whelming demand for the Emergency Home Repair, which exceeds the available funding. The Rental Housing Low Interest Revolving Loan Multi Unit Program has had lower than expected activity. Housing Services Department has requested a transfer of funds to accommodate the additional demand for Emergency Loans and Grants.

The Emergency Home Repair Loan and Grant Program has a budget of \$400,000 and has expended most of the funds. The Rental Housing Low Income Revolving Loan Multi Unit Program has a budget of \$125,000 with no expenditures.

A total of \$50,000 in CDBG funds will be transferred from Rental Housing Low Interest Revolving Loan Multi Unit Program to the Emergency Home Repair Loan and Grant Program.

Any budget transfer of \$10,000 or more requires City Council approval.

Motion --

Knight moved that the budget transfer of \$50,000 from the Rental Housing Low Income Revolving Loan Multi Unit Program to the Emergency Loan and Grant Program be approved. Motion carried 7 to 0.

-- carried

VENDOR

SELECTION OF BUS LINE INSPECTION VENDOR.

Agenda Report No. 02-1063

In 2000, the City Council approved the purchase of 34 Gillig buses. Gillig is located in Hayward, California. Production schedule is divided in two phases: first phase will last from February 25, 2002 to April 19, 2002; and second phase from May 27, 2002 to June 19, 2002. The Federal Transit Administration (FTA) requires bus line inspection of 100% of WT's bus purchase.

Request for proposals were received and reviewed by WT staff. Each proposal was evaluated in the following criteria, in order of importance: compliance with technical specifications, expertise, and price. Based on this criteria, First Transit was selected at a cost not to exceed \$21,000.

Total cost of project will be paid as part of federal (80) and state (20%) grant. Ultimately \$16,800 will be paid by federal FTA funding, and \$4,200 from Kansas Department of Transportation (KDOT) state funding.

The Contract is subject to approval by Law Department.

Motion --

Knight moved that selection of First Transit to provide Bus Line Inspection services and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

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PROPERTY ACQ. LAND ACQUISITION – AUBURN HILLS. (District V)

Agenda Report No. 02-1064

Developers of the residential development adjacent to Auburn Hills Golf Course have five lots immediately south of the lake frontage adjacent to the clubhouse complex and the 10th tee boxes. As the golf course and the residential development have proceeded, it has become apparent that these five lots represent a good location for public activities in the area. The cost of the lots is \$169,000.

Elsewhere in northeast Wichita, the City owns eleven lots in the Woodbridge Second Addition development in the 2000 block of North Bella Vista (south of 21st and east of 119th Street West). These lots were considered for a small park in the past, but the Park Board determined in 1997 that such a park did not fit within the Park and Open Space Plan. These lots have been excess property for the last several years and for sale.

The developers at Auburn Hills have agreed to a land trade plus cash proposal to acquire the existing eleven City lots on North Bella Vista in exchange for the five lots at Auburn Hills. Because the Auburn lots have a higher value than the lots on Bella Vista, the developer has agreed to discount the difference in value by an additional 15% resulting in a net cash payment by the City to the developer of \$71,500.

Motion -- carried Knight moved that the acquisition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-108

A Resolution authorizing the issuance of General Obligation bonds of the City of Wichita, Kansas to pay all or a portion of the costs of acquiring property located adjacent to and near the Auburn Hills Golf Course, Wichita, Sedgwick County, Kansas, for park, recreation and other public purposes, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

SPECIALS PROPOSED ASSESSMENT ROLLS.

Proposed Assessment Rolls have been prepared for seventeen (17) water, thirteen (13) sewer, and five (5) storm water sewer projects and it is necessary to set a public hearing date. Informal hearing with City personnel will be held March 4, 2002.

Motion -- Knight moved that the public hearing be set for Tuesday, April 2, 2002, 9:30 a.m. and publication of
-- carried notices be authorized. Motion carried 7 to 0.

WATER SYSTEM AMENDING ORDINANCE - WATER DISTRIBUTION SYSTEM TO SERVE AN AREA ON BOTH SIDES OF SENECA, BETWEEN 63RD AND 55TH STREETS SOUTH. (District IV)

Agenda Report No. 02-1065

On August 24, 1999, the City Council approved an Ordinance to build a water line to serve an area along Seneca Street south of 55th Street South. The project has been completed and is ready to be bonded. The method of assessment was the square foot basis. An error has been discovered in the calculation of the area of one property.

An amending Ordinance has been prepared to use Water Utility funds in the amount of \$1,064.24 to correct the funding discrepancy.

The special assessment budget does not increase.

Motion -- carried Knight moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

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ORDINANCE

An Ordinance amending Ordinance No. 45-075 levying assessments on lots, pieces and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89417 to serve Chris-Clear, Roy Cox, Crease Second, Springs Second, Hansel, Rainbow Estates, Winter, Bone's South Seneca Gardens Additions, Clarkdale Sub-Division, Second and Third Clarkdale Subdivisions, and unplatted Tracts I Section 29, Township 28 South, Range 1 East (Project No. 470-606-734936-89417), introduced and under the rules laid over.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ FEBRUARY 5, 2002)

- a) Amendment of Industrial Revenue Bond Documents – Airtechnics, Inc. (District II)

ORDINANCE NO. 45- 206

1. An Ordinance of the City of Wichita, Kansas, authorizing the execution and delivery of, and consenting to, a First Amendment of a Certain Real Estate Trust Indenture by and between the City of Wichita, Kansas, as issuer, and Intrust Bank, N.A., a National Banking Association, Wichita, Kansas, as trustee, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCE NO. 45- 205

2. An Ordinance of the City of Wichita, Kansas, authorizing the execution and delivery of, and consenting to, a first amendment of a Certain Equipment Trust Indenture by and between the City of Wichita, Kansas, as Issuer, and Intrust Bank, N.A., a National Banking association, Wichita, Kansas, as trustee, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- b) Building condemnations.

ORDINANCE NO. 45- 207

An Ordinance making a special assessment to pay for the removal of certain structures, being dangerous and unsafe buildings which have been declared a nuisance under the provisions of Sections 18.16.010 to 18.16.090 of the Code of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- c) Weed cutting.

ORDINANCE NO. 45- 208

An Ordinance making a special assessment to pay for the cost of cutting weeds in the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- d) Health nuisance.

ORDINANCE NO. 45- 209

An Ordinance making a special assessment to pay for the cost of abating certain public health nuisances (lot clean up) under the provision of Section 7.040.050 of the Code of the City of Wichita, Kansas, Be it ordained by the governing body of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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- e) Z-3329 - north of 37th Street North, east side of Woodlawn. (District II)

ORDINANCE NO. 45- 210

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. Z-3329

- f) ZON 2000-00059 – north of 45th North, east of Rock Road. (District II)

ORDINANCE NO. 45- 211

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON2001-00059

- g) ZON2001-00074 – north of 47th Street North, east of Rock Road. (District VI)

ORDINANCE NO. 45- 212

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON2001-00074

- h) ZON2001-00075 – north of Hendryx, east of Julia; and CUP2001-00045, amendment to West Kellogg Power Center Community Unit Plan. (District V)

ORDINANCE NO. 45- 213

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON2001-00075

PLANNING AGENDA

Marvin Krout

Director of Planning stated that the Planning Agenda could be considered as consensus, unless the Council desired to withhold Items.

Motion --
-- carried

Knight moved that the Planning Agenda be approved as consensus Items. Motion carried 7 to 0.

VAC2001-00063

VAC2001-00063 – VACATE PORTION OF PLATTED 16-FOOT SEWER EASEMENT, NORTHWEST OF PAWNEE WEST-SENECA SOUTH INTERSECTION. (District IV)

Agenda Report No. 02-1066

Staff Recommendation: Approve vacation of platted 16-foot sewer easement.

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MAPC Recommendation: Approve vacation of platted 16-foot sewer easement. (unanimous)

The applicant is requesting the vacation of the 16-foot platted sewer easement, located on Lot 1, Coleman – Detweiler Addition, excluding the east 20-foot of Lot 1. The applicant is also requesting the partial vacation of a sewer easement dedicated by separate instrument. The applicant proposes to redevelop the property as Boeing Credit Union. There is a sanitary sewer line in the easements, which the applicant is working with Public Works to re-route.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds. Dedication instruments for temporary easement where the existing line is located and a permanent easement where that line will be relocated must also be recorded.

Motion --
-- carried

Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

SUB2001-63

SUB2001-63 PLAT OF DEER LAKE ESTATES SECOND ADDITION – SOUTH OF 47TH STREET SOUTH, WEST OF OLIVER.

Agenda Report No. 02-1067

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (14-0)

The site is located in the County within three miles of Wichita's City limits. A zone change (ZON 2000-63) from SF-5, Single-Family Residential to MH, Manufactured Housing has been approved by the Sedgwick County Commission for this site subject to replatting as a manufactured home subdivision.

A petition, 100%, has been submitted for water improvements. A petition for paving improvements will be handled by the County. Both a City and County Certificate of Petitions have been submitted.

The site is within the noise impact area of McConnell Air Force Base and an avigational easement and restrictive covenant were required. This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificates of Petitions, restrictive covenant and avigational easement will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and Plat be approved; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. 02-109

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89656, (south of 47th Street South, west of Oliver) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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AIRPORT AGENDA

AIRPORT

SUPPLEMENTAL AGREEMENT NO. 3 – ROCKWELL COLLINS, INC.

Agenda Report No. 02-1068

This agreement expires February 28, 2002; however, it includes two three-year options to renew the agreement subsequent to February 28. The tenant desires to exercise the first of these two options through February 28, 2005. Rockwell Collins has leased the space since March 1, 1993. The leased area includes 455 sq.ft. of exclusive-use office space, 168 sq.ft. of joint-use space, and 9,006 sq.ft. of warehouse space. The remainder of the facility, which includes 2,504 sq.ft. of exclusive-use office space, is leased by Airparts, Inc.

The tenant occupies 9,629 square feet of the subject building, which has a total area of approximately 12,135 square feet. The Martens Companies recently appraised both the office and warehouse spaces. The recommended rate for office space is \$3.02/sq.ft. and the recommended rate for warehouse is \$2.54/sq.ft., plus land rent. The land rental rate for the facility will be according to WAA policy, and will escalate 5% from the previous year.

Total annual rent will be \$30,780, which represents a 7.9% increase from the previous year.

Motion --
-- carried

Knight moved that the Agreement be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

HOUSING AGENDA

Inafay Grays-McClellan, Housing Member, was absent from the meeting; however, Ms. McClellan indicated agreement with the Items on the Housing Agenda.

HOUSING

2001 PUBLIC HOUSING ASSESSMENT SYSTEM CERTIFICATION.

Agenda Report No. 02-1069

On January 11, 2000, HUD published 24 CFR Part 902 in the Federal Register requiring housing authorities to submit The Public Housing Assessment System (PHAS) Certification. This assessment has replaced the Public Housing Management Assessment Program (PHMAP) which has been used by HUD in previous years. The evaluation system will designate public housing authorities as High Performers, Standard Performers or Troubled Performers. Housing authorities that score 90 or higher on a 100-point scale will be judged to be High Performers and will be given more operating flexibility. Housing authorities that score above 60 and below 90 will be judged to be Standard Performers.

Housing authorities scoring below 60 will be judged to be Troubled Performers under PHAS and will receive help from HUD's Troubled Agency Recovery Center to improve their performance and meet HUD's new standards. If a troubled housing authority fails to significantly improve its performance a year after it is referred to the Recovery Center, HUD's Enforcement Center can ask a federal judge to create a receivership to take over management of the authority and remove its board members from office. HUD can also seek civil and criminal sanctions against housing authorities in the most serious cases.

The key elements of PHAS in the 2001 PHAS Certification are the following:

1. Physical Inspections – 30% of score – HUD will send inspectors to conduct the second nationwide physical inspection of all public housing developments. Evaluations are based on new, objective, verifiable and uniform national standards designed to determine if public housing residents receive decent, safe and sanitary housing.

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2. Financial Assessment – 30% of score – HUD will evaluate the financial condition of the WHA, using generally accepted accounting principles for the first time. The Wichita Housing Authority (WHA) will electronically submit standardized financial information to HUD prior to March 1, 2001.

3. Management Review – 30% of score – HUD will continue to measure 22 management indicators. These indicators include unit turnaround time, completion of emergency work orders, lease enforcement and resident involvement.

Resident Satisfaction and Services Assessment – 10% of score – HUD has surveyed public housing residents about their satisfaction with the developments in which they reside. Residents were asked their opinion of the quality of their dwelling units, resident organizations, program activities, safety and other issues.

The 2001 PHAS Management Certification overall PHAS score is calculated based upon all indicators and graded by HUD's computer. Staff anticipates that the WHA will receive a passing score for its vacancy turnaround figures. Modernization and work orders should be scored high as they have been in the past. The final results of the Physical Inspection, Financial Assessment and Resident Satisfaction and Services Assessment will not be known until the overall PHAS scores are released.

Motion --
-- carried

Knight moved that the Resolution be adopted; and submission of Certification and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. H-02-01

A Resolution certifying FY 2001 PHAS, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

HOUSING

SECTION 8 MANAGEMENT ASSESSMENT PROGRAM.

Agenda Report No. 02-1070

On October 6, 1998, HUD issued final rules for the Section 8 Rental Voucher and Certificate Programs, Section 8 Management Assessment Program (SEMAP). SEMAP is a Management Assessment System that HUD will use to measure annually the performance of all Housing Agencies that administer the Section 8 Tenant Based Rental Assistance Programs. Under the SEMAP, HUD will assess Housing Authorities performance on 14 Key Indicators that show how well eligible families are helped to afford decent rental units at a reasonable subsidy cost.

The Housing Authority must certify as to their program performance under these 14 standards 60 days after the Housing Authority's first fiscal year ends. The Wichita Housing Authority's fiscal year ends December 31, 2001, so the first certification will be due March 1, 2002.

The indicators are:

1. Selection from the Waiting List (15 points): The HA has a written policy for selecting applicants and follows these policies when selecting applicants from the waiting list.
2. Reasonable Rent (20 points): The HA has implemented written methods to determine reasonable rents.
3. Determination of Adjusted Income (20 points): The HA determines adjusted annual income.
4. Utility Allowance Schedule (5 points): The HA maintains up to date utility allowance schedules.
5. HQS Quality Control Inspections (5 points): An HA supervisor re-inspects a sample of units for Quality Control.
6. HQS Enforcement (10 points): HQS inspection deficiencies are corrected in a timely manner.

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7. Expanding Housing Opportunities (5 points): The HA has adopted and implemented a written policy to encourage participation in areas outside poverty or minority concentrations.
8. FMR limit and Payment Standards (5 points): Gross rents for 98% of new units leased is applicable and reasonable.
9. Annual Reexaminations (10 points): The HA completes an annual reexamination for each tenant.
10. Correct Tenant Rent Calculations (5 points): The HA correctly calculates tenant rents.
11. Pre-Contract HQS Inspections (5 points): Newly leased units pass HQS before the beginning date of lease.
12. Annual HQS Inspections (No points at this time): Each unit is inspected annually and on time.
13. Lease Up (20 points): The HA enters HAP contracts for the number of units under budget for at least one year. The standard is 98%.
14. Family Self-Sufficiency Enrollment and Escrow Accounts (10 points): Measures the percentage of required families enrolled in FSS program and the percentage which have escrow accounts. The standards are 80% and 30% respectively.

The total of points that may be awarded is 135. Five bonus points are available to HAs that achieve certain de-concentration goals during the year. A housing authority with a SEMAP score of at least 90% shall be rated a High Performer. Housing authorities with a SEMAP Score 60%-80% shall be rated Standard. Housing authorities with scores of less than 60% shall be rated "troubled" and shall be subject to a HUD on site review and development of a corrective action plan.

A housing authority with a "high performer" rating may be given competitive advantage under notices of fund availability.

Motion --
-- carried

Knight moved that the Resolution be adopted; and submittal to the Department of Housing and Urban Development and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. H-02-02

A Resolution certifying FY 2001 SEMAP, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ADJOURNMENT

The City Council meeting adjourned at 10:05 a.m.

Pat Burnett CMC
City Clerk